IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Bail Appl..No. 7565 of 2006()

OR 3/06 of Vaniyampuzha Forest Station

PETITIONERS/2ND AND 3RD ACCUSED

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1. NASEEM, S/O.KUNHIKOYA,
KADDORAN HOUSE, BHOODANAM COLONY P.O.,
POTHUKALLU, MALAPPURAM DISTRICT.

2. SAYYID, S/O.ABBAS,
PULATH HOUSE, BHOODANAM COLONY P.O.,
PUTHUKALLU, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT: COMPLAINANT

THE STATE OF KERALA,
REP. BY THE FOREST RANGE OFFICER,
NILAMBUR, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7565 of 2006

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Dated this the 21st day of December, 2006.

ORDER

Petitioners, who are accused Nos. 2 and 3 in OR No.3 of 2006 of Vaniyampuzha Forest Station for offences punishable under Section 27 (1)(e)(iii) and (iv) of the Kerala Forest Act for having trespassed into the reserve forest on 16.10.2006 and cut and removed pieces of rose wood tree, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The forest wealth of the State cannot be allowed to be plundered by the anti-social elements. The petitioners are also involved in a similar offence registered as OR No.6 of 2006 of the very same Forest Station. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail within two weeks from today, the

same shall be considered and disposed of preferably on the same day on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

ess 21/12